

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM CALDWELL,

Plaintiff,

v.

Case No. 1:05-cv-586
HON. ROBERT HOLMES BELL

DAVE J. BURNETT,

Defendant.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on July 28, 2006. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff argues that the Report and Recommendation fails to view the evidence in the light most favorable to the plaintiff. Plaintiff asserts that he is entitled to a Kosher diet and that the refusal to provide a Kosher diet violates his religious rights. Plaintiff was denied a Kosher diet because it was determined by defendant that plaintiff was not sincere in his belief and lacked knowledge of the basic requirements of Judaism. Defendant based the denial on plaintiff's minimal knowledge and lack of study of his new faith. A prisoner is not automatically entitled to every religious accommodation on demand. A prison must have some control over when a prisoner is

entitled to a Kosher diet, because the diet is not available at every prison, is more costly and more time consuming to prepare. Defendant set forth valid reasons for denying plaintiff a Kosher diet at the time of the denial. Plaintiff has not shown that his religious rights were violated by the denial. Moreover, plaintiff still has opportunities to study and learn about his new faith, and obtain a Kosher diet in the future.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

Date: September 7, 2006 /s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE